

JS-6

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **SECURITIES AND EXCHANGE**
12 **COMMISSION,**

13 **Plaintiff,**

14 **vs.**

15 **MARCO A. PEREZ (aka MARC**
16 **PEREZ), PEDRO PEREZ, JR. (aka**
17 **PETER PEREZ), and OLIVIA PEREZ**
18 **DURBIN,**

19 **Defendants.**

Case No. 2:23-cv-08079

JUDGMENT AS TO OLIVIA PEREZ
DURBIN

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Olivia Perez Durbin having entered a general appearance; consented to the
3 Court's jurisdiction over Defendant and the subject matter of this action; consented to
4 entry of this Final Judgment without admitting or denying the allegations of the
5 Complaint (except as to jurisdiction and except as otherwise provided herein in
6 paragraph V); waived findings of fact and conclusions of law; and waived any right
7 to appeal from this Final Judgment:

8 I.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
10 permanently restrained and enjoined from violating, directly or indirectly,
11 Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15
12 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by
13 using any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of
15 any security:

- 16 (a) to employ any device, scheme, or artifice to defraud;
17 (b) to make any untrue statement of a material fact or to omit to state a
18 material fact necessary in order to make the statements made, in the light
19 of the circumstances under which they were made, not misleading; or
20 (c) to engage in any act, practice, or course of business which operates or
21 would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
24 binds the following who receive actual notice of this Final Judgment by personal
25 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
26 attorneys; and (b) other persons in active concert or participation with Defendant or
27 with anyone described in (a).
28

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or
- (b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person or such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above,

1 except that this paragraph shall not apply to a communication made in
2 good faith

- 3 (i) to the officers, directors, partners or employees of the offering
4 person, to its advisors or to other persons, involved in the
5 planning, financing, preparation or execution of such tender offer;
6 (ii) to the issuer whose securities are sought or to be sought by such
7 tender offer, to its officers, directors, partners, employees or
8 advisors or to other persons involved in the planning, financing,
9 preparation or execution of the activities of the issuer with respect
10 to such tender offer; or
11 (iii) to any person pursuant to a requirement of any statute or rule or
12 regulation promulgated thereunder.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
14 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
15 binds the following who receive actual notice of this Final Judgment by personal
16 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
17 attorneys; and (b) other persons in active concert or participation with Defendant or
18 with anyone described in (a).

19 III.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is liable for disgorgement of \$34,867.17, representing net profits gained as a result of
22 the conduct alleged in the Complaint, together with prejudgment interest thereon in
23 the amount of \$3,771.11. The Court finds that sending the disgorged funds to the
24 United States Treasury, as ordered below, is consistent with equitable principles. The
25 Court further imposes a civil penalty in the amount of \$34,867.17 pursuant to
26 Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy these
27 obligations by paying \$73,505.45 to the Securities and Exchange Commission within
28 30 days after entry of this Final Judgment.

1 Defendant may transmit payment electronically to the Commission, which will
2 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also
3 be made directly from a bank account via Pay.gov through the SEC website at
4 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
5 check, bank cashier's check, or United States postal money order payable to the
6 Securities and Exchange Commission, which shall be delivered or mailed to

7
8 Enterprise Services Center
9 Account Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169
10

11 and shall be accompanied by a letter identifying the case title, civil action number,
12 and name of this Court; Olivia Perez Durbin as a defendant in this action; and
13 specifying that payment is made pursuant to this Final Judgment.

14 Defendant shall simultaneously transmit photocopies of evidence of payment
15 and case identifying information to the Commission's counsel in this action. By
16 making this payment, Defendant relinquishes all legal and equitable right, title, and
17 interest in such funds and no part of the funds shall be returned to Defendant. The
18 Commission shall send the funds paid pursuant to this Final Judgment to the United
19 States Treasury.

20 The Commission may enforce the Court's judgment for disgorgement and
21 prejudgment interest by using all collection procedures authorized by law, including,
22 but not limited to, moving for civil contempt at any time after 30 days following entry
23 of this Final Judgment. The Commission may enforce the Court's judgment for
24 penalties by the use of all collection procedures authorized by law, including the
25 Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for
26 civil contempt for the violation of any Court orders issued in this action.

27 Defendant shall pay post judgment interest on any amounts due after 30 days
28 of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

1 IV.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
3 Consent is incorporated herein with the same force and effect as if fully set forth
4 herein, and that Defendant shall comply with all of the undertakings and agreements
5 set forth therein.

6 V.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
8 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
9 11 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant,
10 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
11 amounts due by Defendant under this Final Judgment or any other judgment, order,
12 consent order, decree or settlement agreement entered in connection with this
13 proceeding, is a debt for the violation by Defendant of the federal securities laws or
14 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
15 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

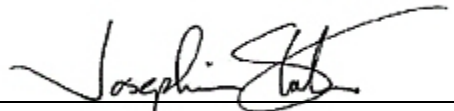
16 VI.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
18 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
19 Final Judgment.

20 VII.

21
22 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
23 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith
24 and without further notice.

25 Dated: October 11, 2023

26
27 
28 HON. JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28